

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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FARIS ABDUL-MATIYN,

Plaintiff,

vs.

CIVIL NO. 9:06-cv-1503

PETER HANMER, JEFFREY NOWICKI  
THOMAS MURPHY and STEPHEN CAPPOLA

Defendants.

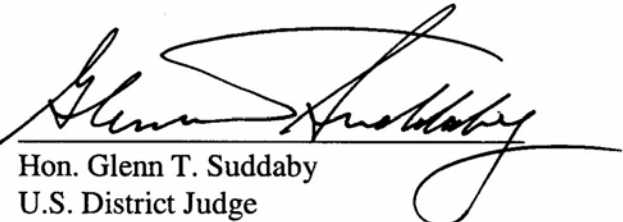
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**JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT**

A jury trial having been held in this case on 3/7/11 and 3/8/11, the parties now advise the Court, prior to the conclusion of trial, that they have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Counsel has also advised that no infant or incompetent is a party to this action. Based upon this development, I find that it is not necessary for this action to remain on the calendar of the Court. It is therefore hereby

**ORDERED** that this action is **DISMISSED** in its entirety **without prejudice** pursuant to the procedure as set forth in L.R. 68.2(a) of the Local Rules of this court. This judgment is issued without prejudice to the right of the parties to secure reinstatement of the case within ninety (90) days after the date of this judgment by making a showing that the settlement was not, in fact, consummated; and in the event that no request is made for reinstatement within ninety (90) days of the date of this judgment, the dismissal of this case shall thereafter be **with prejudice**; and it is further

Dated: March 8, 2011  
Syracuse, New York

  
Hon. Glenn T. Suddaby  
U.S. District Judge